

**MINUTES**  
**SCOTTSDALE CITY COUNCIL**  
**SPECIAL MEETING**  
**Monday, September 15, 2003**

**The Kiva  
City Hall  
Scottsdale, Arizona**

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**CALL TO ORDER**

Mayor Manross called to order a Special Meeting of the Scottsdale City Council on Monday, September 15, 2003 in the Kiva, City Hall, at 5:05 P.M.

Present: Mayor Mary Manross  
Vice-Mayor Ned O'Hearn  
Council Members David Ortega, Tom Silverman, Robert Littlefield, Wayne Ecton, and Cynthia Lukas

Also Present: Deputy City Manager Ed Gawf  
City Attorney Brad Woodford  
City Clerk Carolyn Jagger

**Public Comment**

**Jane White**, 7840 E. Crestwood Way, explained that recently the state legislature passed a bill creating a Transportation Policy Committee that was charged with creating a Regional Transportation Plan. The committee has developed a \$17 billion plan, which includes \$9 billion in new taxes. The bill states that the committee would send the plan to the city for approval. She noted that the public has not examined the plan so she surmised that "the city" is the Mayor and Council. She stated her opinion that local projects should not be included in the plan. She also maintained that a lot of the city's money would go towards the Mesa and Phoenix train system.

Mayor Manross clarified that the process has been public with at least two public meetings being held in Scottsdale, Phoenix, Tempe, etc. She stressed that there are many valley stakeholders involved in the committee. She noted that the city attends many neighborhood meetings in which input is gathered from citizens. She clarified that the tax is not a new tax but an extension of the tax that has been in existence since 1985.

**Special Meeting      \*\*\*Item 1\*\*\***

**\*\*\*1. Proposals to Amend the Scottsdale Charter:**

- 1. Altering the way the Mayor and City Council are elected, based on the District Advisory Task Force's recommendations.**
- 2. Updating language/procedures relating to the filling of vacancies in the office of City Council or Mayor.**

**Requests:**

- Consideration of the Council-appointed District Advisory Task Force's recommendation to refer to the March 9, 2004 ballot an item to amend the Scottsdale Charter to provide for a "straight six" district system to elect City Council members. Within this six district system, the Mayor would continue to be elected at large. The City Council may also consider referring other forms of district systems and/or consider alternate election dates, i.e. May 18, 2004, Sept. 7, 2004, or November 2, 2004. Twelve of the 14 Task Force members

recommended that a "straight six" charter amendment item be placed on the March 9, 2004 ballot for consideration by Scottsdale voters.

- Per the request of Councilman Robert Littlefield, review and consideration of draft language to be included on the ballot to amend the Scottsdale Charter to provide for a new "straight six" election system.
- Per the request of Councilman Wayne Ecton, review and consideration of draft language to be included on the ballot to amend the Scottsdale Charter to provide updated procedures related to vacancies in the office of City Council or Mayor.

**Related Policies, References:** May 2003 Council District Advisory Task Force Reports; Art. 2, Section 2 of the Scottsdale Charter, which currently provides for six councilmen to be elected at-large; Federal Voting Rights Act; and Art. 2, Section 11 of the Scottsdale Charter, which currently describes procedures for filling vacancies of the offices of Mayor and City Council.

**Staff Contacts:** Donna Bronski, Deputy City Attorney, [Dbronski@ScottsdaleAZ.gov](mailto:Dbronski@ScottsdaleAZ.gov), 480-312-2624; Peggy Carpenter, Intergovernmental Relations Coordinator, [Pcarpenter@ScottsdaleAZ.gov](mailto:Pcarpenter@ScottsdaleAZ.gov), 480-312-2683; Carolyn Jagger, City Clerk, [Cjagger@ScottsdaleAZ.gov](mailto:Cjagger@ScottsdaleAZ.gov), 480-312-2411; Jeff Kulaga, City Manager's Office, [Jkulaga@ScottsdaleAZ.gov](mailto:Jkulaga@ScottsdaleAZ.gov), 480-312-7496.

Deputy City Attorney Donna Bronski introduced this item for discussion with a brief slide presentation which has been outlined below.

**City Council Districting  
September 15, 2003  
Scottsdale City Council Meeting**

**Purpose of Tonight's Meeting**

- Review District Advisory Task Force studies and recommendations.
- Discuss and hear citizen feedback on optional forms of election systems.
- Provide opportunity for Council to make a decision about whether to refer Task Force's recommendation and/or other forms to public ballot.
- Provide opportunity for Council to review and/or take action on draft charter amendment language.

**Task Force Process ... in brief**

- 14 members appointed Jan. 2003
- Convened Feb. 2003-May 2003
- Gathered input from six other AZ cities/counties.
- Conducted four public hearings
- Studied and reported on four types of districting election systems.

### **Election Systems Studied**

- “Straight Six” Election System
  - Six geographic districts (defined per federal requirements) with one Council member elected from each district.
  - District Council members would be required to reside within the district he/she represents.
  - Mayor would continue to be elected at large.
  - Voters would vote for their District representative and the Mayor.
- Three District Blended System
  - Three geographic districts (defined per federal requirements) with one Council Member elected from each district.
  - District Council members would be required to reside within the district he/she represents.
  - Three other Council Members and the Mayor would be elected at large.
  - Voters would be able to vote for their District representative, three at-large City Council Members and the Mayor.
- Four District Blended System
  - Four geographic districts (defined per federal requirements) with one Council member elected from each district.
  - District Council members would be required to reside within the district he/she represents.
  - Two other Council Members and the Mayor would be elected at large.
  - Voters would be able to vote for their District representative, two at-large City Council members and the Mayor.
- Multi-Member District System
  - Three geographic districts (defined per federal requirements) with two Council members elected from each district.
  - District Council members would be required to reside within the district he/she represents.
  - Mayor would continue to be elected at large.
  - Voters would be able to vote for their two District representatives and the Mayor.

### **Task Force Recommendation**

- 12 of 14 members recommended that the Council refer a “straight six” ballot question to voters at the earliest possible time.
- Mayor and Council terms would continue to be staggered.

### **Two “Minority” Reports**

- Keep an at-large election system.
  - Seek ways to increase voter turn out
  - Consider an alternative election system but only to refer to public ballot if following successful initiative/signature process.
- Maintain an at-large election system due to current budget constraints, considerations.

### **Existing Election System**

- At Large District System
  - All City Council Members and the Mayor represent the entire City of Scottsdale.
  - The City Council and the Mayor are required to reside within the City of Scottsdale.
  - Voters are able to vote for all six members of City Council and the Mayor.

### **Possible 2004 Election Dates**

- March 9<sup>th</sup>
  - Must call election on/by Nov. 10<sup>th</sup>
  - Final ballot language due on/by Nov. 25<sup>th</sup>
- May 18<sup>th</sup>
  - Must call election on/by Jan. 19<sup>th</sup>
  - Final ballot language due on/by Feb. 3<sup>rd</sup>
- Sept. 9<sup>th</sup>
  - Must call election on/by May 10<sup>th</sup>
  - Final ballot language due on/by May 25<sup>th</sup>
- Nov. 2<sup>nd</sup>
  - Must call election on/by July 5<sup>th</sup>
  - Final ballot language due on/by July 20<sup>th</sup>

### **Council Direction**

- Does Council wish to refer the Task Force recommendation and/or other election forms to public ballot?
- Review, comment and/or action on draft ballot language.
- Election date.

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City Attorney Brad Woodford explained that the city charter is an important document that prevails over ordinances and code adopted by Council. He then presented the proposed changes to the ordinance that would change the charter.

Councilman Silverman questioned the proposed revision that would require a Council member to be excused by Council for missing more than three consecutive Council meetings. Attorney Woodford explained that this provision is consistent with other charters within Maricopa County.

Councilman Silverman expressed his belief that this provision could cause a problem. Councilman Littlefield explained that he has the same objections to the revision. He stated his objections to items 2 and 4 under 11B. He explained that his first concern is that the other proposed changes would “cloud the issue” of districting. He then agreed with Councilman Silverman that the proposed change requiring Council members to be excused from missing more than three consecutive meetings would cause problems. He stated his belief that items 2, 3, and 4 are too vague. He suggested that the proposed changes to the charter that do not pertain to districts should be placed on the ballot as a separate item.

Councilman Ortega explained that the legal staff only had 24 hours to compile the proposed language. No charter advisory group review was conducted. He stated that, although he appreciated the effort, the proposed changes seem broad.

Councilman Ecton questioned the consistency of the language throughout the document by indicating that under section 10, the term “councilmen” should have been used instead of “each member of the Council.” City Attorney Woodford agreed that the verbiage was an oversight and would be changed.

Mayor Manross opened public testimony.

**Susan Bitter Smith**, 5806 E. Lewis, explained that she was privileged to have served on the District Advisory Task Force. She reminded everyone of the group’s recommendation. She thanked Council for

reviewing the issue over the summer and bringing it back for consideration. She urged Council to adopt the task force's recommendation and put the question of districting on the ballot in March.

**Jim Derouin**, 12827 N. 130<sup>th</sup> Place, stated that he prepared the original petition to Council last October and served on the District Advisory Task Force. He stated his belief that the adoption of the district form of government would be positive for Scottsdale.

**Angela Jacobsen**, 7562 E. Bellevue St., stated her belief that a district system would be beneficial to the city.

**Sonnie Stevens**, 8507 E. Highland, thanked the members of the task force for their work; however, expressed disappointment that their presentation didn't include the merits of the current at-large system. She explained that she doesn't care which portion of the city the Council members live in since their postal address isn't what provides leadership. She felt the current system allows citizens to contact seven people who would respond to any concerns where as districting provides citizens one contact. She questioned how the ballot language would read and if the proposed changes to the charter were adequately posted for citizens to review.

In response to a request for clarification by the Mayor, Attorney Woodford explained that the official ballot language would have to be presented to Council at a later date. All of the proposed changes except the ones highlighted during the presentation were available for public review.

**Jack Shay**, 6325 E. Catalina Drive, highly endorsed the straight six district system. He noted that he secured 180 signatures endorsing the system.

**Suzanne Klapp**, 12475 N. 133<sup>rd</sup> Place, stated that she was a member of the task force. She stated her support of the districting issue being placed on the ballot since she believes that the majority of citizens support the system. She stated that the firefighters had to collect signatures for their initiative since the task force for the fire service wasn't directed to make a recommendation, whereas the district task force was directed to make a recommendation and did so.

**Jane Fallek**, 6633 E. 2<sup>nd</sup> Street, stated her belief that the time has come for all citizens in the city to be represented equally. She urged the Council to place the issue on the March ballot.

**George Knowlton**, 8701 E. Valley View Road, thanked members of Council for their leadership and various Council candidates for their support of a district system. He also thanked the volunteers who gathered signatures to move this issue forward. He stated his belief that the district system is the best way to heal the city and move the city into the next century.

**Patty Badenoeh**, 5027 N. 71st Place, spoke in opposition to the straight six district system. She explained that the at-large system is not the problem. She stated that south Scottsdale is a victim of themselves. She urged citizens to register to vote and become active in their community.

**Amy MacAulay**, 8738 East Highland Avenue, stated support for the straight six district system. She explained that although she doesn't know if the system will solve all of the problems within the city, she felt it is time to try something new. She displayed photos of completed projects within the city to illustrate the disparity between the quality of the projects in the northern and southern part of the city.

**William Crawford**, 6442 E. Camelback Road, spoke as the Chairman of Council Districts for Scottsdale. He explained that Council has a historic opportunity to renew the spirit of the city by placing the district

issue on the ballot. He stated his belief that a district system would provide people with the opportunity to be equally represented, to have all of their issues heard, and to run for a Council seat.

**Paula Pennypacker**, 8612 E. San Lucas, explained that firefighters were required to collect signatures twice while the straight six group didn't have to show citywide support. She felt that somehow their concerns seemed more important than the concerns of others. She suggested that Council would set a precedent with this issue.

**Loren H. Langslet**, 2521 N. Miller Road, spoke in support of a district system. He thanked Council for placing the issue on the ballot and urged them to do so on the March 2004 ballot.

**Merlin Gindlesperger**, 6918 E. Edgemont Avenue, spoke in favor of the straight six district system, which would give more people the opportunity to participate in government.

**Darlene L. Petersen**, 7327 E. Wilshire Drive, spoke in opposition to the straight six district system since she felt it would place neighbor against neighbor.

**Avery Harris**, 7718 N. Via De Fonda, stated his belief that all the options should be placed on the ballot for the voters to indicate their preference.

**Christine Schild**, 10849 E. Jasmine Drive, explained that she has resided in a lot of places in the United States, with Scottsdale being the most divisive place she has ever lived. She noted that it is also the only place she has lived with an at-large system. She stated her support of a district system since she felt it would unite the city.

**Michael Merrill**, 8713 E. Vernon Avenue, asked Council to place the district issue on the ballot.

**Jim Heather**, 6732 E. Sheridan Street, thanked Council for placing the issue on the ballot. He urged Council to ensure that the ballot language isn't confusing.

Mayor Manross closed public testimony. An additional seven comment cards were received from citizens in favor of placing the issue on the ballot who did not wish to speak.

Mayor Manross explained that Council must now decide whether or not to refer the issue of a district system to the ballot.

Councilman Littlefield stated his preference that the first election would occur in 2006 rather than in 2008. He questioned Mesa's experience when they passed their initiative. Attorney Woodford explained that he is unsure how many years Mesa took to implement the district system.

Mayor Manross expressed concern over the timeframe that it would take the Federal government to make their final decision. Attorney Woodford explained that if the voters approve the straight six system, a committee would most likely be formed with a consultant hired to assist the city in forming the districts. He noted that the city must comply with Federal legislation. The proposed district boundaries would then have to be submitted to the Department of Justice for approval. He explained that he has seen the approval take anywhere from three months to a year.

Mayor Manross questioned the length of time necessary to complete the process of hiring a consultant. Attorney Woodford explained his belief that Glendale and Mesa used the same consulting group to

develop their district boundaries. He stated that the hiring of the consultant would be considered professional services.

Councilwoman Lukas explained that this issue is very different than the other issues usually before Council since it has to do with representation. She pointed out that there is a big difference between this issue and the firefighter's initiative. While there was a citizen task force for the municipal fire department issue, the group was not directed to make a recommendation. She pointed out that the districting task force was directed to make a recommendation.

Councilwoman Lukas explained that she has been open to change in the city representational structure for a long time. In the past, she explained that she suggested a blended system due to concerns about a holistic vision for the city.

She recanted the events that took place to convince her that the straight six system would allow for greater accessibility and responsiveness on the part of all Council members, while allowing citizens to feel a closer connection to their representative. She stated her belief that with districts, more good candidates would be willing to step forward due to the reduced costs of running a campaign. While no system is perfect, she stated her belief that now is the time for change in structure to mirror a change in focus.

Councilwoman Lukas noted that her intention in supporting this effort is to heal the divisiveness in the city and to ensure that all residents are represented and served. She stated her opposition to placing a second measure on the ballot.

Councilman Ortega stated his belief that the city should have districts, but when first proposed, he was unsure in what form. He mentioned that the District Advisory Task Force represented all geographic areas of the city and, through their work, they provided Council with a recommendation. He reminded everyone that no system is perfect; however, the voters have a right to select the form of representation they prefer.

He stated his belief that it would be proper for Council to vote to move forward tonight without passing an ordinance, which would provide staff with more time to revise the ordinance language. He recommended that Council direct the city attorney to take Council's concerns into account in the ordinance before Council considers it.

Councilman Littlefield stated his appreciation of staff's efforts to prepare the language to revise the charter. He stated support for placing the straight six district question on the March ballot since it would be a high turn out election. He stated his belief that it was unfair to make the firefighters obtain signatures to place the municipal fire department issue on the ballot and it was also unfair to require this group to obtain signatures. He suggested that, in the future, the city should reduce the number of signatures required to place an initiative on the ballot.

Councilman Ortega stated that he would like to see this issue move forward. He expressed his opinion that additional work needs to be done on the ordinance, but he supported placing the straight six district question on the ballot.

Attorney Woodford confirmed for Councilman Ecton that Council could make a decision to place the issue on the ballot with the exact wording to follow.



COUNCILMAN ECTON MOVED TO PLACE THE STRAIGHT SIX DISTRICT SYSTEM AS A YES OR NO QUESTION ON THE MARCH 2004 BALLOT. COUNCILMAN LITTLEFIELD SECONDED THE MOTION (WHICH CARRIED 6/1 – M.M.).

Councilman Ecton suggested that staff continue to work on the wording for the charter changes. He expressed concern over some of the suggested changes. He stated his belief that changes to the charter that have nothing to do with the district system should be considered as a separate item at a later date.

Councilman Silverman explained that although he doesn't support the straight six district system, he believes that the citizens should decide what type of representation they prefer. He supported the straight six district question being placed on the March ballot.

Vice Mayor O'Hearn explained that he struggled with the fact that various reports raised a lot of good questions that have not been exhaustively answered. He questioned how Council could create a process that would ensure consideration of this item that was in-depth and thoroughly researched. He concluded that the best process to do that would be the election process. He stated his belief that the voters would make the right decision in March. He expressed his support of placing the straight six district question on the March ballot by itself. He agreed that the exact language for the ordinance should be determined at a later date.

Mayor Manross emphasized the importance of this issue. She stated that she has been involved in the process for several months now. She explained that she respects the right of the citizens to have the issue placed on the ballot; however, she believes in the initiative process. She stated her belief that the city should honor the signature process; therefore, she would not support the motion to place the issue on the ballot without going through the initiative process.

In response to questions from Councilman Ecton, Attorney Woodford explained that the number of signatures required by an initiative is determined by the Arizona constitution. He noted that he would investigate this issue further, since he believed that cities have the ability to determine either the referendum number or initiative number.

After further discussion, THE MOTION CARRIED 6/1 (M.M.).

Mayor Manross explained that Council must provide staff with direction to compile the final ballot language.

Councilman Littlefield explained that he made a phone call during the discussion and was able to determine that Mesa held their election within two years of approval of a district system. He suggested that Scottsdale should be able to hold the first election in 2006. He agreed with Councilman Ecton that any proposed changes that don't have to do with districting should be taken out of the ordinance for consideration at a later date.

Councilman Silverman suggested that section 10 be kept in the ordinance. Mayor Manross agreed that there would be no harm in that provision.

Councilman Ecton expressed his opinion that it should be decided at a later time and not part of the districting option. He emphasized that he thinks section 10 should be considered even if the district system fails.

After further discussion, Attorney Woodford explained that he understands Council direction to staff as: 1) staff is to separate out any proposed changes that are not related to a district system, and 2) the additional changes would be presented to Council for consideration in placing the question on the May ballot.

**Public Comment - None**

**City Manager's Report - None**

**Mayor and Council Items**

Councilwoman Lukas suggested that a workstudy session be held to discuss the city's participation in the Regional Transportation Plan.

Councilman Ortega thanked Bill Heard for sponsoring a concert series at El Dorado. He suggested that Mayor and Council send a letter to Mr. Heard expressing the city's appreciation for their generosity.

**Adjournment**

With no further business to discuss, Mayor Manross adjourned the meeting at 7:18 P.M.

**SUBMITTED BY:**

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**Ann Eyerly, Council Recorder**

**REVIEWED BY:**

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**Carolyn Jagger, City Clerk**

## **C E R T I F I C A T E**

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Special Meeting of the City Council of Scottsdale, Arizona held on the 15th day of September 2003.

I further certify that the meeting was duly called and held, and that a quorum was present.

**DATED** this \_\_\_\_\_ day of September 2003.

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**CAROLYN JAGGER**  
**City Clerk**